

REMARKS/ARGUMENTS

Claims 1, 7, and 13 have been amended to more accurately define the invention claimed.

Jones (US Patent No. 1,459,831) discloses a toothbrush holding device. The toothbrush holding device holds “a tooth brush in an air tight receptacle, with the brush end thereof in proximity to a receptacle containing a suitable disinfectant.” The body portion of the device is a tube with a threaded lower end for receiving a receptacle which is cylindrical and has a base. The receptacle receives and holds a disinfectant. The other end of the tube is also internally threaded to engage with a shank of a cap element. The shank has an inner tapered portion. Both ends of the tube must be sealed, with the receptacle at one end and with the cap element at the other end. The cap element must be unscrewed and removed from the tube to take out the toothbrush.

Lowry et al. (US Patent Publication No. US 2002/0088723) discloses a shipping package for hazardous material vials. The shipping package comprises of an inner container placed inside an outer shipping bag that is formed of a flexible polymer film.

Nichols (US Patent No. 2,542,206) discloses a packaging for nuts. The packaging comprises two sheets of cellophane bonded together at the edges to form a bag. A gap in the form of a V-shaped notch which extends from the outer edge of the bag to a point where it provides small vent holes in the two panels which open into the interior of the bag.

Applicant's invention is a packaging to protect an elongated member from being compressed axially and from being contaminated. The packaging comprises of an elongated hollow tube housing with an open end that remains open and is not covered by a cap or a receptacle. The elongated hollow tube housing has a fixed length that resists axial compression.

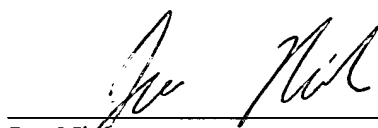
Application No.: 10/614,885
Amendment dated: September 29, 2006
Reply to Office Action of: March 30, 2006

The elongated hollow tube housing may be cut to predetermined length from generally available straws or hollow tubes. At least one end will always remain open without being blocked or covered by a cap or a receptacle. An elongated member is disposed within the elongated hollow tube housing.

Jones could not function as intended if either end of the tube is not sealed since the toothbrush holding device holds “a tooth brush in an air tight receptacle.” Whereas, applicant’s invention requires that at lease one end of the housing remains open and not covered by a cap or a receptacle for it to function. Furthermore, in one embodiment of applicant’s invention, both ends of the housing remain open.

Applicant hereby submits that the claim rejections under 35 U.S.C. §103(a) have all been overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Joe Nieh
Registration Number: 46,961
18760 E. Amar Road, #204
Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com